

S.R. 477 - by Adams: Extending congratulations to Jasper County honorees of the Family Land Heritage Program.

S.R. 478 - by Ogg: Extending welcome to Theron, Lee and Stephanie Garrison.

S.R. 479 - by Doggett: Extending welcome to Zilker Elementary School 3rd Grade Class.

S.R. 480 - by Aikin: Extending welcome to Mr. and Mrs. Max Linthicum.

RECESS

On motion of Senator Aikin the Senate at 12:32 o'clock p.m. took recess until 1:00 o'clock p.m. today.

FORTY-SEVENTH DAY

(Continued)

(Wednesday, April 6, 1977)

AFTER RECESS

The Senate met at 1:00 o'clock p.m. and was called to order by Senator Adams.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Adams in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of **S.R. 32**.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)

C.S.S.B. 61 (Jones of Haris) Relating to a requirement that a probationer reimburse the county in which he was prosecuted for compensation paid an appointed counsel. (31-0)(31-0)

C.S.S.B. 252 (Hance) Relating to workmen's compensation for employees of Texas Tech University, Pan Tech farm, and Texas Tech University School of Medicine at Lubbock (31-0)(31-0)

C.S.S.B. 373 (Tracger) Relating to the aggregate amount of water development bonds for water quality enhancement purposes which may be issued. (31-0)(31-0)

S.B. 466 (Mauzy) Relating to retired district judges or appellate judges sitting as commissioners to the courts of civil appeals. (31-0)(31-0)

S.B. 522 (Brooks) Relating to creation of Probate Court No. 3 of Harris County. (31-0)(31-0)

C.S.S.B. 569 (Ogg) Relating to creation, jurisdiction, administration and procedure of one new county civil court at law for Harris County. (31-0)(31-0)

C.S.S.B. 587 (Schwartz) Relating to the duties of official court reporters. (31-0)(31-0)

C.S.S.B. 588 (Schwartz) Relating to the provisions of court reporting services to a party in a civil case if the party is unable to pay therefor. (31-0)(31-0)

S.B. 758 (Brooks) Relating to authority of the Board of Regents of Texas Southern University to dispose of certain land and collect certain fees. (31-0)(31-0)

C.S.S.B. 779 (Ogg) Relating to supervision of dental hygienists and provision of dental hygiene advice to the Board of Dental Examiners. (31-0)(31-0)

S.B. 784 (Longoria) Relating to suit for the recovery of debts by a foreign executor or administrator. (31-0)(31-0)

C.S.S.B. 787 (Doggett) Relating to authorized sentences for corporations and associations adjudged guilty of an offense. (31-0)(31-0)

C.S.S.B. 788 (Doggett) Relating to an annual report to be filed by a corporation. (31-0)(31-0)

C.S.S.B. 790 (Doggett) Relating to notice by a corporation of indemnification payments and of certain liability insurance claims or payments. (31-0)(31-0)

S.B. 822 (Snelson) Relating to the Parks and Wildlife Commission's authority to set the seasons, bag limits and means and methods of taking the wildlife resources in Trans-Pecos Counties. (31-0)(31-0)

C.S.S.B. 831 (Doggett) Relating to permitting counties to destroy certain public records. (31-0)(31-0)

S.B. 833 (Jones of Harris) Relating to the term of office of judge of Probate Court No. 2 of Harris County. (31-0)(31-0)

S.B. 843 (Parker) Relating to state financial assistance to local public agencies or nonprofit corporations that operate programs to recruit retired persons to perform volunteer community services. (31-0)(31-0)

S.B. 844 (Santiesteban) Relating to a court administrator system for county courts at law in certain counties. (31-0)(31-0)

C.S.S.B. 851 (Jones of Taylor) Relating to licenses to practice podiatry. (31-0)(31-0)

C.S.S.B. 857 (Jones of Harris) Relating to financial records of certain nonprofit corporations. (31-0)(31-0)

S.B. 858 (Mauzy) Relating to weekly workmen's compensation benefits. (31-0)(31-0)

S.B. 871 (Doggett) Relating to the transferral of public records to regional historical resource depositories. (31-0)(31-0)

S.B. 875 (Traeger) Permitting management of street transportation systems to be placed with the governing body of a city or a board of trustees whether the system is encumbered or not. (31-0)(31-0)

S.B. 889 (Sherman) Relating to the distribution of an estate on affidavit. (31-0)(31-0)

S.B. 899 (Brooks) Relating to the purchase of insurance for or reimbursement of certain foster parents. (31-0)(31-0)

C.S.S.B. 900 (Brooks) Relating to cooperative associations. (31-0)(31-0)

C.S.S.B. 907 (Jones of Harris) Relating to the jurisdiction of municipal courts of record in certain cities. (30-1) Mauzy "Nay" (30-1) Mauzy "Nay"

S.B. 915 (Farabee) Relating to the creation of juvenile boards in Carson, Childress, Collingsworth, Donley, and Hall counties. (31-0)(31-0)

S.B. 920 (Longoria) Relating to creation of the County Court at Law No. 2 of Hidalgo County and making other provisions relative to the court. (31-0)(31-0)

S.B. 922 (Longoria) Relating to terms of the County Court at Law of Hidalgo County. (31-0)(31-0)

C.S.S.B. 928 (Mauzy) Relating to workmen's compensation insurance policies and the liability of the association for artificial appliances. (31-0)(31-0)

S.B. 949 (Brooks) Relating to retirement allowances of judges while assigned to court or serving as commissioner to court of criminal appeals. (31-0)(31-0)

S.B. 951 (Moore) Relating to state fire marshal to conduct certain hearings. (31-0)(31-0)

S.B. 952 (Moore) Relating to license for selling fireworks. (31-0)(31-0)

C.S.S.B. 977 (Doggett) Relating to legal representation of State Department of Public Welfare. (31-0)(31-0)

S.B. 992 (Doggett) Relating to licensing division of State Department of Public Welfare. (31-0)(31-0)

S.B. 1017 (Traeger) Relating to the membership of the juvenile boards in the 81st Judicial District and the compensation of the members. (31-0)(31-0)

C.S.S.B. 1042 (Doggett) Relating to the use of the word "cooperative" by certain corporations. (31-0)(31-0)

S.B. 1062 (Mauzy) Relating to service of citation against a school district. (31-0)(31-0)

C.S.S.B. 1065 (Mauzy) Relating to workmen's compensation insurance for employees of political subdivisions. (31-0)(31-0)

S.B. 1183 (Traeger) Relating to the Texas Employees Uniform Group Insurance Benefits Act. (31-0)(31-0)

S.B. 1210 (Snelson) Relating to the creation, administration, maintenance, operation, and financing of the Midland County Hospital District. (31-0)(31-0)

S.C.R. 64 (Jones of Harris) Instructing the Texas Legislative Council and the Engrossing and Enrolling Department of the Senate to discontinue the practice of referring only to the male gender when drafting legislation. (vv)

S.C.R. 66 (Doggett) Instructing the Board of Control to construct a ramp at the east entrance of the Capitol. (vv)

S.R. 268 (Schwartz) Commending E. M. "Buck" Schiwetz. (vv)

S.R. 322 (Longoria) Authorizing the Special Committee on Trade and Tourism to continue its studies of undue hindrance of trade and tourism. (vv)

H.B. 149 (Harris) Providing that the parties to administrative proceedings may file exceptions and replies to proposals for administrative decisions. (31-0)(31-0)

H.B. 230 (Jones of Taylor) Relating to the compensation and expenses of members of the Texas State Board of Podiatry Examiners. (31-0)(31-0)

H.B. 314 (Farabee) Relating to regulation of the style and format of certain periodic reports to the governor or the legislature. (31-0)(31-0)

H.B. 377 (Brooks) Relating to the amount and proportioning of loans, grants, and scholarships to medical students. (31-0)(31-0)

H.B. 570 (Schwartz) Relating to compensation of commissioners of certain navigation districts. (31-0)(31-0)

H.B. 760 (Williams) Relating to the regulation and inspection of boilers. (31-0)(31-0)

H.B. 810 (Moore) Relating to the creation, jurisdiction, administration, and procedures of the County Court at Law of Walker County. (31-0)(31-0)

H.B. 828 (Aikin) Relating to the delivery of a state of the judiciary message by the Chief Justice of the Supreme Court. (31-0)(31-0)

H.B. 879 (Sherman) Relating to operation of a commercial motor vehicle or truck tractor by a person other than the owner or his agent. (31-0)(31-0)

H.C.R. 1 (Jones of Harris) Requesting a review by the Social Security Administration of regulations governing certification of representative payees. (vv)

H.C.R. 2 (Aikin) Granting permission to W. H. Hunt, Jr., and Annie L. Hunt to sue the State of Texas. (vv)

H.C.R. 26 (Snelson) Granting permission to Border Road Construction Company to sue the State of Texas. (vv)

H.C.R. 29 (Lombardino) Granting permission to Mario Figueroa to sue the State of Texas. (vv)

H.C.R. 43 (Longoria) Granting permission to National Seafoods, Inc., to sue the State of Texas. (vv)

H.C.R. 47 (Schwartz) Granting permission to Kathleen Burke Dunbar to sue the State of Texas. (vv)

H.C.R. 50 (Jones of Taylor) Authorizing C. E. Gladden to sue the State of Texas. (vv)

H.C.R. 53 (Doggett) Providing that Capitol Historical Marker be placed in permanent position on Capitol Grounds. (vv)

The following bills were laid before the Senate, read second time, amended, passed to engrossment, read third time and passed: (Amendment printed following bill number, as well as vote on suspension of Constitutional Three-Day Rule and final passage.)

S.B. 276 (Mauzy) Relating to the creation, jurisdiction, administration, and procedures of the County Criminal Court No. 6 of Dallas County. (31-0)(31-0)

Senator Mauzy offered the following amendment to the bill:

Amend **S.B. 276** by deleting Section 3.

Amend **S.B. 276** by renumbering Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 as Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 accordingly.

The amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

C.S.S.B. 566 (Doggett) Relating to regulation of political activity of state employees. (31-0)(31-0)

Senator Mauzy offered the following amendment to the bill:

Amend **C.S.S.B. No. 566** by striking subsection (4) of Section 3.

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

C.S.S.B. 707 (Longoria) Relating to the qualifications and disqualifications of elections judges, clerks and watchers, and certain executive committee members. (31-0)(31-0)

Senator Longoria offered the following amendment to the bill:

Amend **C.S.S.B. 707** by striking paragraph (a) and substituting in lieu thereof the following:

(a) All judges and clerks of any general, special, or primary election shall be qualified voters of the election precinct in which they are named to serve. Unless otherwise provided in a statute pertaining to the specific type of election being held, in any general, special, or primary election, all watchers shall be qualified voters of the county if the election is countywide, and shall be qualified voters of the city or other political subdivision in which the election is held if less than countywide, but it shall not be necessary that they reside within the election precinct in which they are named to serve.

The amendment was read and was adopted.

On motion of Senator Longoria and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 912 (Brooks) Relating to exemptions from the Administrative Procedures Act. (31-0)(31-0)

Senator Brooks offered the following committee amendment to the bill:

Amend **S.B. 912** by deleting Section 1 and renumbering the following sections accordingly.

The committee amendment was read and was adopted.

Senator Brooks offered the following committee amendment to the bill:

Amend **S.B. 912**, Section 2, by adding Subsection (e), to read as follows:

“(e) Sections 12 through 20 of this act do not apply to the Texas Board of Pardons and Paroles in the conducting of hearings or interviews relating to the grant, rescission or revocation of parole or other form of administrative release.”

The committee amendment was read and was adopted.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

S.B. 914 (Farabee) Relating to the creation of municipal courts in Sweetwater. (31-0)(31-0)

Senator Farabee offered the following amendment to the bill:

Amend Sec. 12 of Senate Bill 914 by adding a new sentence at the end thereof to read as follows:

"If the court finds, after hearing in response to affidavit by defendant that he is unable to pay or give security for the record on appeal, the court will order the reporter to make such transcription without charge to the defendant."

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

C.S.S.B. 943 (Jones of Harris) Relating to additional municipal courts in incorporated cities. (31-0)(31-0)

Senator Jones of Harris offered the following amendment to the bill:

Amend **C.S.S.B. 943** by striking Section 1 and substituting in lieu thereof the following:

"Section 1. Article 1196(a) (V.A.C.S.) is amended to read as follows:

"The Municipal ~~[Corporation]~~ Court in any city heretofore or hereafter incorporated, or adopting or amending its Charter, under Article 11, Section 5, of the Constitution of the State of Texas, commonly known and referred to as the 'Home Rule Amendment', shall be presided over by one or more ~~[a]~~ judges to be known as the 'recorder', 'City Judge', or 'Judge of the Municipal ~~[Corporation]~~ Court', as such official may be called in the charter of any city, and who shall be selected under the provisions of the City Charter concerning the election or appointment of a judge or [the] judges to preside over the Municipal [Corporation] Court. Additional Municipal Courts may be created and one or more judges for such courts may be authorized in any such city by action of the governing body of the city through a legally adopted ordinance that specifies that the condition of the dockets in the other Municipal Court or Courts of the city is such as to require additional Municipal Courts in order to properly dispose of the cases on the docket of these courts, and that enumerates the number of Municipal Courts necessary to properly dispose of those cases. Such additional judges shall have all the powers and discharge all of the duties of the judge of the Municipal Courts established."

All judges now holding office and presiding over any such Municipal ~~[Corporation]~~ Court in any such city and heretofore appointed or elected in accordance with the provisions of the Charter of such city are hereby declared to be the duly constituted, appointed or elected judge of such Court and shall hold office until his successor shall have been duly selected in accordance with the provisions hereof and shall have qualified according to law."

The amendment was read and adopted.

On motion of Senator Jones of Taylor and by unanimous consent the caption was amended to conform to the body of the bill as amended.

C.S.H.B. 293 (Jones of Taylor) Relating to the penalty for shooting on a public road. (31-0)(31-0)

Senator Jones of Taylor offered the following amendment to the bill:

Amend Senate Committee Substitute for **H.B. 293** by striking all above the enacting clause and substituting the following in lieu thereof:

“relating to the penalty for shooting on a public road; amending Subsection (a) and amending Subsection (d), Section 42.01, Penal Code.”

The amendment was read and was adopted.

H.B. 628 (Doggett) Relating to a system for gathering and dispensing notices of certain state job opportunities. (31-0)(31-0)

Senator Doggett offered the following committee amendment to the bill:

Amend **H.B. No. 628** as follows:

(1) Strike lines 20 through 24 on page 1 and substitute the following:

“Sec. 2. SUBMISSION OF JOB INFORMATION. (a) When a job vacancy occurs or is filled in Travis County within a state agency, the agency shall complete and submit to the commission and to the equal employment office as soon as possible the appropriate information form prescribed by the commission regarding the job vacancy or placement.”

(2) Strike “Section 2(b)” on page 2, line 23 and substitute “this subsection”.

(3) Strike Subsection (c) of Section 4 beginning on page 2, line 26 and substitute the following:

“(c) When a person expresses to the commission an interest in a job vacancy listed in accordance with Subsection (a) of this section for which the commission considers him qualified and which may be filled only after the person has complied with the Merit System Council’s employment procedures, the commission shall inform the person of those procedures.”

The committee amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

H.B. 926 (Snelson) Relating to the creation, jurisdiction, administration, and procedures of the County Court at Law of Comal County. (31-0)(31-0)

Senator Snelson offered the following committee amendment to the bill:

Amend **H.B. No. 926** by striking “from and after its passage,” on Page 6, Line 18, and inserting “according to its provisions.”

The committee amendment was read and was adopted.

On motion of Senator Snelson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Adams in Chair) announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Aikin the Senate at 2:03 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor**

(April 6, 1977)

S.C.R. 75

S.C.R. 79

S.B. 303

S.B. 543

FORTY-EIGHTH DAY

(Thursday, April 7, 1977)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Moore, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Absent-excused: Clower, Harris, Mengden, Ogg, Snelson.

A quorum was announced present.

The Reverend Zane Crawford, Associate Pastor, Bannockburn Baptist Church, Austin, Texas, offered the invocation as follows:

Father, we come to You today realizing that we cannot bring to pass all that we would like to see in our world for we are finite and the task before us is an infinite one. Nevertheless, we pray that You would not let us rest as long as we have left undone any portion of that which we can do. Give us hearts that hurt for our people when they hurt. Give us a wisdom that supercedes our own as we try to heal their hurt. Give us the desire to spend ourselves on them. Finally, Father, we thank You that in the end You will bring to pass a world of which we can only dream. This we pray in the name of Jesus. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.